

**Development Management**

101-A Mounts Bay Road

P.O. Box 8784

Williamsburg, VA 23187-8784

P: 757-253-6671

F: 757-253-6822

development.management@jamescitycountyva.gov

jamescitycountyva.gov**Building Safety and Permits**

757-253-6620

Engineering and Resource Protection

757-253-6670

Planning

757-253-6685

Zoning Enforcement

757-253-6671

June 5, 2015

Ms. Adena Patterson
McGuire Woods, LLP
901 East Cary Street
Richmond, VA 23219

RE: C-0035-2015, Skiffes Creek Switching Station

Dear Ms. Patterson,

Thank you for offering James City County the opportunity to review and comment on the above-referenced conceptual plan for a switching station in the Skiffes Creek area. We would like to offer the following comments (in no particular order of priority or importance) for your consideration:

Planning:

1. As requested by the applicant, staff has scheduled this project for a Development Roundtable meeting on Monday, June 8 at 2 p.m. to discuss comments and considerations for further applications related to this project. The meeting will be held in the large conference room in Building A of the James City County Government Center, 101 Mounts Bay Road.
2. Staff conducted a site visit and was unable to access the property due to the presence of gates and locks at both potential access points. Staff would like to request permission to access the property for a site visit.

Zoning considerations:

3. The proposed parcel is zoned R-8, Rural Residential and the proposed switching station will require a special use permit in accordance with Section 24-349 of the James City County Zoning Ordinance; however, the facility would be limited to a 35 foot maximum height limit in the R-8 district.
4. The applicant mentioned the possibility of seeking a rezoning of the parcels to M-2, General Industrial. The switching station would still require a special use permit in this district; however, structures may be erected up to 60 feet above grade in this district if additional setbacks from the property lines are provided. There appears to be several portions of the switching station that are proposed to exceed 60 feet above grade. The applicant can apply for a height limitation waiver from the Board of Supervisors in order to have structures that exceed 60 feet. Any height limitation waiver application should demonstrate compliance with the six criteria outlined in [Section 24-443](#) of the M-2 zoning ordinance.
5. Special use permits, rezonings and height limitation waivers all require notification of adjacent property owners and a public hearing before the Planning Commission and Board of Supervisors. Development applications and additional information about submittal requirements and processes are available [here](#). The next deadline for applications and all supplemental materials is June 24th for tentative placement on the August 5th Planning Commission agenda.
6. Please note that portions of the switching station that are permanently located on the ground or attached to something that is permanently located on the ground would be considered a "structure" per the Zoning Ordinance definition. As a result, the facilities will need to meet all setback requirements from the property lines. Setback requirements are located within the regulations of the specific zoning district (please see [Section 24-439 and 24-440 for M-2 requirements](#) and [Section 24-351 and 24-353 for R-8 requirements](#)).

7. As part of the community impact statement required to be submitted with any legislative application by Section 24-23 please provide a project narrative which summarizes the need for the switching station, what alternative switching station locations were evaluated, the reasons why this site was ultimately selected, and a discussion of how well this station is anticipated to meet future electricity needs and whether the applicant may seek to expand the facility in the future. Additionally, it would be helpful to have an exhibit that is larger than 11" x 17". On the exhibit, please clearly delineate existing towers/lines/structures from proposed towers and structures and their respective heights and include a summary of this as part of the impact statement. Additionally, it would be helpful to include pictures/graphics to show the different parts of the switching station (transformers, backbone, static pole, control enclosures, etc.) and key the exhibit to show where each of the parts is located.
8. As part of legislative applications, staff may recommend conditions to be applied to special use permits or height limitation waivers or the applicant may offer proffers as part of a rezoning application in order to mitigate impacts. This will be explored further when the complete application is provided.

Comprehensive Plan considerations:

9. The proposed switching station is not currently shown on the County's adopted comprehensive plan. As a result, in conjunction with the public hearing review, the project will be subject to review in accordance with Code of Virginia §15.2-2232 to determine whether the location, character and extent of the project is substantially in accord with the adopted comprehensive plan.
10. The proposed switching station is located on a parcel that is designated Low Density Residential on the Comprehensive Plan and is situated near several longstanding residential neighborhoods (Poplar Hall, Windy Hills Mobile Home Park and Country Village Mobile Home Park). These existing neighborhoods and other adjacent undeveloped property are designated as Low and Moderate Density Residential by the Comprehensive Plan. Low Density Residential areas recommend permitting new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately addressed. Particular attention should be given to addressing such impacts as incompatible development intensity and design, building height and scale, lands uses, smoke, noise, dust, odor, vibration, light, and traffic. Please provide information about how the impacts of the switching station would be mitigated (including a narrative and revisions to the proposed layout) to demonstrate consistency with the Low Density Residential designation.
11. This site is located within an ultra-sensitivity area for archaeological resources in the Comprehensive Plan so appropriate precautions should be taken when locating new structures relative to known and unknown archaeological sites. Staff notes that the conceptual plan identifies a historical area and the County's GIS mapping identifies sites JC662 and JC663 as being potentially impacted by the proposal. In accordance with the County's Archaeological Policy, the applicant will be required to provide any archaeological surveys conducted on this site and demonstrate that all work and treatment plans are approved by the Virginia Department of Historic Resources.
12. Staff has contacted the Virginia Department of Conservation and Recreation (VADCR) to determine whether the proposed switching station could impact adjacent natural heritage resources or whether suitable habitat for rare, threatened or endangered species is present on site, but has not yet received a response. Please provide any available supplemental information or correspondence which would assist VA DCR.

Health and public safety impacts:

13. The Skiffes Creek switching station is located within the headwaters of Skiffes Creek Reservoir. Any toxins or pollutants that potentially could be released must be appropriately contained or disposed of to prevent leaching into the drinking water reservoir. This could be demonstrated through providing spill prevention/control plans, designing master stormwater control plans, or through providing other equivalent information. Please demonstrate how water quality will not be impacted.
14. Please provide information regarding impacts of electric and magnetic fields (EMF) that may be generated by the facility and what measures have been taken to minimize any possible negative health impacts or exposure.
15. Please provide more information regarding the noise that the facility would be expected to generate such as the pre- and post-development decibel levels at property lines, use of emergency sirens, frequency of noise, etc. Please discuss the potential to use noise-dampening structures or other insulation around the loudest pieces of equipment.

16. The applicant will need to demonstrate that the site will be able to be accessed by fire and public safety apparatus in the event of an emergency and will need to provide a turn-around on site for the equipment. Additionally, please provide information regarding whether special training will be necessary for County public safety staff for this type of facility or due to its proximity to the CSX railroad tracks.

Visual impacts:

17. Please provide side elevations of the proposed facility to assist in determining scale, massing, height and potential visual impacts of existing and proposed equipment. Please also provide information about the color of the equipment. Staff recommends that the applicant submit visual or photo simulations to help determine visual impacts to surrounding residential properties and Merrimac Trail (to include a view of what equipment would look like post site clearing).
18. Please provide proposed screening and any security fence details for the property with photographs or depictions of the site with the screening.
19. Please provide information about any proposed site lighting of the access road, structures and towers. Any lighting should be limited to dark-sky compliant fixtures with bulbs fully-shielded and all light directed downward with no spill over 0.1 footcandle onto adjacent properties. Please also verify that no structure-mounted lighting will be required by the Federal Aviation Administration.
20. Staff notes that there is an existing cleared area adjacent to CSX railroad/Merrimac Trail. Please detail what this area of the property is used for and discuss whether it would be feasible to re-plant the area to establish a buffer along the property line.

Access:

21. Does the applicant intend to make improvements to the existing gravel/dirt road that provides access to the proposed switching station? Please describe how construction vehicles will access the site. Staff discourages construction vehicle access through Country Village Mobile Home Park and the existing utility line easement.
22. Please provide an estimation of traffic impacts (including how many vehicle trips are anticipated to the site during construction and during the daily operation of the completed facility).

Landscape Planner:

1. A landscape plan shall be required at the site plan stage of this project. At a minimum, the landscape plan shall provide vegetation to screen the facility from outside of the fence.

Engineering and Resource Protection: Comments are outstanding and will be forwarded upon receipt.

Fire: Comments are outstanding and will be forwarded upon receipt.

Please note that all comments are preliminary in nature and not all reviewing agencies have been contacted for comments at this point. Additional comments may be forthcoming upon receipt of additional information or future applications. Please do not hesitate to contact me should you have any additional questions or information related to this project and I look forward to meeting with you on June 8th. I can be reached at 757-253-6876 or leanne.pollock@jamescitycountyva.gov.

Sincerely,



Leanne Pollock
Senior Planner II